

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

JUL 29 2004

PAT & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KENNETH J. PETTIPIECE and WILLIAM B. AMOS

Application No. 09/536,932

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on May 25, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below.

On March 27, 2000, appellants filed an Information Disclosure Statement (IDS). It is not clear from the record whether the examiner considered the IDS statement(s) submitted or whether the examiner notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Application No. 09/536,932

Also, on May 5, 2003, appellants filed a Notice of Appeal. A review of the file reveals that a small entity fee of \$160.00 was applied to the Notice of Appeal. The correct fee of \$320.00 should have been charged for the Notice of Appeal. Before further review of this file, the correct Notice of Appeal fee must be applied to the appellants' account.

Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) consideration of the Information Disclosure Statement filed March 27, 2000; 2) appropriate notification by the examiner to appellants of such consideration; 3) entry of the correct Notice of Appeal fee; and 4) for such further action as may be appropriate.

Application No. 09/536,932

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
Dale M. Shaw
Program and Resource Administrator
(703) 308-9797

cc: Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

DMS/tdl/mh
RA04-0686